

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Use Tax Act is amended by changing Section
5 2a as follows:

6 (35 ILCS 105/2a) (from Ch. 120, par. 439.2a)

7 Sec. 2a. Pollution control facilities.

8 (a) As used in this subsection (a), "pollution control
9 facilities" means any system, method, construction, device or
10 appliance appurtenant thereto sold or used or intended for the
11 primary purpose of eliminating, preventing, or reducing air and
12 water pollution as the term "air pollution" or "water
13 pollution" is defined in the "Environmental Protection Act",
14 enacted by the 76th General Assembly, or for the primary
15 purpose of treating, pretreating, modifying or disposing of any
16 potential solid, liquid or gaseous pollutant which if released
17 without such treatment, pretreatment, modification or disposal
18 might be harmful, detrimental or offensive to human, plant or
19 animal life, or to property.

20 Until July 1, 2003, the purchase, employment and transfer
21 of such tangible personal property as pollution control
22 facilities is not a purchase, use or sale of tangible personal
23 property.

24 (b) Beginning July 1, 2005, tangible personal property that
25 is certified by the Pollution Control Board as a "pollution
26 control facility", as that term is defined in Section 11-10 of
27 the Property Tax Code, is exempt from the tax imposed by this
28 Act if the property is used as part of a livestock management
29 facility or a livestock waste handling facility (i) that has
30 been approved by the Department of Agriculture under the
31 provisions of the Livestock Management Facilities Act and (ii)
32 that is located within an agricultural area established by a

1 county under the Agricultural Areas Conservation and
2 Protection Act.

3 To document this exemption, a purchaser must provide the
4 retailer with a copy of the certification issued by the
5 Pollution Control Board, along with a certification, verified
6 by the purchaser, that the tangible personal property will be
7 used primarily as a pollution control facility in an approved
8 livestock management facility or livestock waste handling
9 facility located in an agricultural area.

10 The provisions of this subsection (b) are exempt from
11 Section 3-90.

12 (Source: P.A. 93-24, eff. 6-20-03.)

13 Section 10. The Service Use Tax Act is amended by changing
14 Section 2a as follows:

15 (35 ILCS 110/2a) (from Ch. 120, par. 439.32a)

16 Sec. 2a. Pollution control facilities.

17 (a) As used in this subsection (a), "pollution control
18 facilities" means any system, method, construction, device or
19 appliance appurtenant thereto used in this State acquired as an
20 incident to the purchase of a service from a serviceman for the
21 primary purpose of eliminating, preventing, or reducing air and
22 water pollution as the term "air pollution" or "water
23 pollution" is defined in the "Environmental Protection Act",
24 enacted by the 76th General Assembly, or for the primary
25 purpose of treating, pretreating, modifying or disposing of any
26 potential solid, liquid or gaseous pollutant which if released
27 without such treatment, pretreatment, modification or disposal
28 might be harmful, detrimental or offensive to human, plant or
29 animal life, or to property.

30 Until July 1, 2003, the purchase, employment or transfer of
31 such tangible personal property as pollution control
32 facilities is not a purchase, use or sale of service or of
33 tangible personal property within the meaning of this Act.

34 (b) Beginning July 1, 2005, tangible personal property that

1 is certified by the Pollution Control Board as a "pollution
2 control facility", as that term is defined in Section 11-10 of
3 the Property Tax Code, is exempt from the tax imposed by this
4 Act if the property is used as part of a livestock management
5 facility or a livestock waste handling facility (i) that has
6 been approved by the Department of Agriculture under the
7 provisions of the Livestock Management Facilities Act and (ii)
8 that is located within an agricultural area established by a
9 county under the Agricultural Areas Conservation and
10 Protection Act.

11 To document this exemption, a purchaser must provide the
12 retailer with a copy of the certification issued by the
13 Pollution Control Board, along with a certification, verified
14 by the purchaser, that the tangible personal property will be
15 used primarily as a pollution control facility in an approved
16 livestock management facility or livestock waste handling
17 facility located in an agricultural area.

18 The provisions of this subsection (b) are exempt from
19 Section 3-75.

20 (Source: P.A. 93-24, eff. 6-20-03.)

21 Section 15. The Service Occupation Tax Act is amended by
22 changing Section 2a as follows:

23 (35 ILCS 115/2a) (from Ch. 120, par. 439.102a)

24 Sec. 2a. Pollution control facilities.

25 (a) As used in this subsection (a), "pollution control
26 facilities" means any system, method, construction, device or
27 appliance appurtenant thereto transferred by a serviceman for
28 the primary purpose of eliminating, preventing, or reducing air
29 and water pollution as the term "air pollution" or "water
30 pollution" is defined in the "Environmental Protection Act",
31 enacted by the 76th General Assembly, or for the primary
32 purpose of treating, pretreating, modifying or disposing of any
33 potential solid, liquid or gaseous pollutant which if released
34 without such treatment, pretreatment, modification or disposal

1 might be harmful, detrimental or offensive to human, plant or
2 animal life, or to property.

3 Until July 1, 2003, the purchase, employment and transfer
4 of such tangible personal property as pollution control
5 facilities shall not be deemed to be a purchase, use or sale of
6 service or of tangible personal property, but shall be deemed
7 to be intangible personal property.

8 (b) Beginning July 1, 2005, tangible personal property that
9 is certified by the Pollution Control Board as a "pollution
10 control facility", as that term is defined in Section 11-10 of
11 the Property Tax Code, is exempt from the tax imposed by this
12 Act if the property is used as part of a livestock management
13 facility or a livestock waste handling facility (i) that has
14 been approved by the Department of Agriculture under the
15 provisions of the Livestock Management Facilities Act and (ii)
16 that is located within an agricultural area established by a
17 county under the Agricultural Areas Conservation and
18 Protection Act.

19 To document this exemption, a purchaser must provide the
20 retailer with a copy of the certification issued by the
21 Pollution Control Board, along with a certification, verified
22 by the purchaser, that the tangible personal property will be
23 used primarily as a pollution control facility in an approved
24 livestock management facility or livestock waste handling
25 facility located in an agricultural area.

26 The provisions of this subsection (b) are exempt from
27 Section 3-55.

28 (Source: P.A. 93-24, eff. 6-20-03.)

29 Section 20. The Retailers' Occupation Tax Act is amended by
30 changing Sections 1a and 5k as follows:

31 (35 ILCS 120/1a) (from Ch. 120, par. 440a)

32 Sec. 1a. Pollution control facilities.

33 (a) As used in this subsection (a), "pollution control
34 facilities" means any system, method, construction, device or

1 appliance appurtenant thereto sold or used or intended for the
2 primary purpose of eliminating, preventing, or reducing air and
3 water pollution as the term "air pollution" or "water
4 pollution" is defined in the "Environmental Protection Act",
5 enacted by the 76th General Assembly, or for the primary
6 purpose of treating, pretreating, modifying or disposing of any
7 potential solid, liquid or gaseous pollutant which if released
8 without such treatment, pretreatment, modification or disposal
9 might be harmful, detrimental or offensive to human, plant or
10 animal life, or to property.

11 Until July 1, 2003, the purchase, employment and transfer
12 of such tangible personal property as pollution control
13 facilities is not a purchase, use or sale of tangible personal
14 property.

15 (b) Beginning July 1, 2005, tangible personal property that
16 is certified by the Pollution Control Board as a "pollution
17 control facility", as that term is defined in Section 11-10 of
18 the Property Tax Code, is exempt from the tax imposed by this
19 Act if the property is used as part of a livestock management
20 facility or a livestock waste handling facility (i) that has
21 been approved by the Department of Agriculture under the
22 provisions of the Livestock Management Facilities Act and (ii)
23 that is located within an agricultural area established by a
24 county under the Agricultural Areas Conservation and
25 Protection Act.

26 To document this exemption, a purchaser must provide the
27 retailer with a copy of the certification issued by the
28 Pollution Control Board, along with a certification, verified
29 by the purchaser, that the tangible personal property will be
30 used primarily as a pollution control facility in an approved
31 livestock management facility or livestock waste handling
32 facility located in an agricultural area.

33 The provisions of this subsection (b) are exempt from
34 Section 2-70.

35 (Source: P.A. 93-24, eff. 6-20-03.)

1 (35 ILCS 120/5k) (from Ch. 120, par. 444k)

2 Sec. 5k. Building materials exemption; enterprise zones
3 and agricultural areas.

4 (a) Each retailer who makes a qualified sale of building
5 materials to be incorporated into real estate in an enterprise
6 zone established by a county or municipality under the Illinois
7 Enterprise Zone Act by remodeling, rehabilitation or new
8 construction, may deduct receipts from such sales when
9 calculating the tax imposed by this Act. For purposes of this
10 Section, "qualified sale" means a sale of building materials
11 that will be incorporated into real estate as part of a
12 building project for which a Certificate of Eligibility for
13 Sales Tax Exemption has been issued by the administrator of the
14 enterprise zone in which the building project is located. To
15 document the exemption allowed under this Section, the retailer
16 must obtain from the purchaser a copy of the Certificate of
17 Eligibility for Sales Tax Exemption issued by the administrator
18 of the enterprise zone into which the building materials will
19 be incorporated. The Certificate of Eligibility for Sales Tax
20 Exemption must contain:

21 (1) a statement that the building project identified in
22 the Certificate meets all the requirements for the building
23 material exemption contained in the enterprise zone
24 ordinance of the jurisdiction in which the building project
25 is located;

26 (2) the location or address of the building project;
27 and

28 (3) the signature of the administrator of the
29 enterprise zone in which the building project is located.

30 In addition, the retailer must obtain certification from the
31 purchaser that contains:

32 (1) a statement that the building materials are being
33 purchased for incorporation into real estate located in an
34 Illinois enterprise zone;

35 (2) the location or address of the real estate into
36 which the building materials will be incorporated;

1 (3) the name of the enterprise zone in which that real
2 estate is located;

3 (4) a description of the building materials being
4 purchased; and

5 (5) the purchaser's signature and date of purchase.

6 The deduction allowed by this Section for the sale of building
7 materials may be limited, to the extent authorized by
8 ordinance, adopted after the effective date of this amendatory
9 Act of 1992, by the municipality or county that created the
10 enterprise zone into which the building materials will be
11 incorporated. The ordinance, however, may neither require nor
12 prohibit the purchase of building materials from any retailer
13 or class of retailers in order to qualify for the exemption
14 allowed under this Section.

15 (b) Beginning July 1, 2005, each retailer who makes a
16 qualified sale of building materials to be incorporated into
17 real estate as part of a livestock management facility,
18 livestock pasture operation, or livestock waste handling
19 facility located in an agricultural area established by a
20 county under the Agricultural Areas Conservation and
21 Protection Act by new construction, may deduct receipts from
22 those sales when calculating the tax imposed by this Act. For
23 purposes of this subsection, "qualified sale" means a sale of
24 building materials that will be incorporated into real estate
25 (i) in a livestock management facility or livestock waste
26 handling facility that has been approved by the Department of
27 Agriculture under the provisions of the Livestock Management
28 Facilities Act or (ii) in a livestock pasture operation that is
29 not subject to the Livestock Management Facilities Act, as
30 provided in the definition of "livestock management facility"
31 in that Act. For purposes of this subsection, the terms
32 "livestock management facility" and "livestock waste handling
33 facility" have the meanings set forth in Sections 10.30 and
34 10.40 of the Livestock Management Facilities Act.

35 To be eligible for the exemption under this subsection, the
36 livestock management facility, livestock pasture operation, or

1 livestock waste handling facility must be located within an
2 agricultural area established by a county pursuant to the
3 provisions of the Agricultural Areas Conservation and
4 Protection Act. To document the exemption allowed under this
5 subsection, the retailer must obtain from the purchaser a copy
6 of a Certificate of Eligibility for Sales Tax Exemption issued
7 by the Department of Agriculture, based on information provided
8 to the Department of Agriculture by the county board governing
9 the agricultural area into which the building materials will be
10 incorporated. The Certificate of Eligibility for Sales Tax
11 Exemption must contain:

12 (1) a certification by the Department of Agriculture
13 (i) that the livestock management facility, livestock
14 pasture operation, or livestock waste handling facility
15 has been approved by the Department of Agriculture under
16 the provisions of the Livestock Management Facilities Act
17 or (ii) that the facility is otherwise exempt from such
18 approval;

19 (2) the location or address of the livestock management
20 facility, livestock pasture operation, or livestock waste
21 handling facility; and

22 (3) a certification by the Department of Agriculture
23 that the livestock management facility, livestock pasture
24 operation, or livestock waste handling facility is located
25 within an agricultural area established by a county under
26 the provisions of the Agricultural Areas Conservation and
27 Protection Act and reported by the county to the Department
28 of Agriculture.

29 In addition, the retailer must obtain certification from the
30 purchaser that contains:

31 (1) a statement that the building materials are being
32 purchased for incorporation into real estate at a livestock
33 management facility, livestock pasture operation, or
34 livestock waste handling facility that has been approved by
35 the Department of Agriculture or that is exempt from
36 approval and that is located in an Illinois agricultural

1 area;

2 (2) the location or address of the livestock management
3 facility, livestock pasture operation, or livestock waste
4 handling facility into which the building materials will be
5 incorporated;

6 (3) the name of the agricultural area in which the
7 livestock management facility, livestock pasture
8 operation, or livestock waste handling facility is
9 located;

10 (4) a description of the building materials being
11 purchased; and

12 (5) the purchaser's signature and date of purchase.

13 (c) The provisions of this Section are exempt from Section
14 2-70.

15 (Source: P.A. 91-51, eff. 6-30-99; 91-954, eff. 1-1-02; 92-484,
16 eff. 8-23-01; 92-779, eff. 8-6-02.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.